

Appl. No. 09/765,751
Amdt. Dated 4/13/2004
Reply to Final Rejection of March 30, 2004

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Remarks/ Arguments

In the Office Action being responded to the Examiner finally rejected Claims 35-41, all of the claims in the application, on a new reference Matyas, Jr. patent 6,102,287, in view of Kuroda et al patent 6,421,779. In response thereto applicant proposes to amend claim 35 to further recite applicant's invention and to include the subject matter of prior dependent claim 36, which is to be canceled, to amend claim 38 further to recite applicant's invention, and to amend claim 39 to improve its language and to include the subject matter of prior dependent claim 40, which is to be canceled. Claims 37 and 41 are to be amended to correct their dependency in view of the cancellation of their prior parent claims, and claim 37 has also been amended to correct a minor typographic error.

The lack of relevancy of the now secondary reference, Kuroda et al, was discussed in applicant's prior Amendment with respect to the prior Office Action, which relied on Kuroda et al as the primary reference, and won't be repeated here. Instead applicant submits that the Examiner has overlooked the complete differences in purpose and operation of applicant's invention and the now primary reference Matyas, as discussed below.

Applicant's invention is directed to the problem of "a dishonest vendor...changing the price of the transaction" and to authenticating the transaction amount and the identity of the vendor (see page 2, lines 6-8). Central to attaining these desirable ends, applicant's invention includes providing information identifying a transaction including the actual purchase amount and using an independent verifier, separate from the purchaser or the vendor, which performs an identical message authentication code function using a purchaser's secret key as the purchaser had performed to obtain the secure information which had been provided to the verifier by the vendor.

Matyas is concerned with an entirely different problem. His concern is not the honesty of the vendor in a purchase transaction to protect the purchaser but instead the accuracy of product survey information as to whether or not a purchase of some sort was made and should be included in the product survey. The examiner has specifically referred to the description at column 3, line 23-56, where, it is clearly stated "The present invention contemplates various schemes for enabling an evaluator to verify that a buyer providing product survey information has actually purchased the product from the seller."

The evaluator in Matyas, however, does not do any verification and is not equivalent to or suggestive of applicant's verifier and its functions. Note it is the buyer that at some time after the transaction between the buyer and the seller provides survey information to the evaluator. However, the evaluator does not do any verification. Specifically, the evaluator relies on the buyer for this verification, or, as stated by Matyas in column 3, "The evaluator verifies the purchase transaction by presenting the

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secret value along with information identifying the transaction to the buyer's billing system." The buyer's billing system then compares an authentication code received from the seller with the secret value and information provided by the evaluator to determine that an actual transaction did take place and can be included in a survey.

Thus whereas applicant's invention is concerned with the honesty and integrity of a vendor, Matyas is concerned with protecting the integrity of survey results so that "As a result, buyers will be able to receive product evaluation information and fill-in product survey questionnaires in real time, thus providing information to buyers and thereby enabling buyers to make better and more informed decisions about product purchases."

The Examiner has also referred specifically to column 11, lines 34-65, which clearly starts off with the statement "The seller validates the payment order message". Further, unlike applicant's invention which is concerned with the actual amount of a purchase, the item most likely to be changed by a dishonest vendor, Matyas in this paragraph talks about the amount of the purchase" being within prescribed limits", not the actual purchase price.

Accordingly, applicant submits that one desirous of solving the problem of potential fraud and dishonesty by a vendor and doing so in a way "which does not require the vendor to perform a different handling method or obtain additional equipment" (page 2, lines 10-11 of applicant's specification) would not find in the Matyas disclosure and teaching any suggestion of the solution to the problem resolved by applicant's invention. Nor does the addition of the Kuroda et al disclosure obviate or overcome these deficiencies. The combination of these two references, in some way, still neither discloses nor suggests applicant's invention.

Applicant proposes to amend claim 35 specifically to recite that the method recited is "to authenticate the transaction amount and the identity of the vendor" with the transaction information including "the purchase amount". It is not concerned with assuring an evaluator that some sort of purchase has occurred and can be included in a survey of purchases. Further applicant submits that there is no teaching or suggestion in Matyas and/or Kuroda of applicant's use of an independent verifier and the functions performed by that independent verifier which receives the vendor transaction information, the purchaser identification information, and the secure information from the vendor, as recited in claim 35.

Dependent claims 37 and 38 are submitted to be allowable based on an allowable parent claim. However, applicant also wishes to point out to the Examiner that there is no suggestion in these references of the step of adding a counter value to the transaction information, as recited in dependent claim 38, which has been amended to add "so that multiple purchases of the same item, from the same vendor, on the same day may be separately validated", as set forth at page 10, lines 1-3 of applicant's specification.

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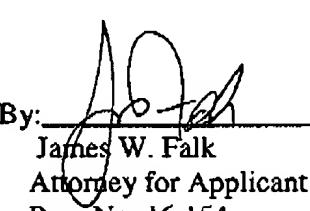
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Apparatus claim 40 and its dependent claim 42 similarly distinguish from the cited references.

Withdrawal of the Final Rejection, entry of this Amendment, reconsideration and allowance of claims 35, 37, 38, 39, 40, and 42, as amended, and passage of this application to issue are therefore respectfully requested. If the Examiner believes it would in any way expedite the allowance of this application, he is invited to telephone applicant's attorney at the number set forth below.

Respectfully submitted,

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